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# HOUSE BILL No. 1398

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 11-8-2-3.

**Synopsis:** Powers of board of correction. Describes the duties of the board of correction. Voids bylaws adopted by the board of correction before October 1, 1980. (The introduced version of this bill was prepared by the corrections matters evaluation committee.)

**Effective:** July 1, 2001.

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## Smith V, Cheney, Foley, Ayres

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January 11, 2001, read first time and referred to Committee on Courts and Criminal Code.

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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

## HOUSE BILL No. 1398

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 11-8-2-3 IS AMENDED TO READ AS FOLLOWS  
[EFFECTIVE JULY 1, 2001]: Sec. 3. (a) The board shall:

- (1) adopt rules for the conduct of its own business;
- (2) approve or disapprove, before adoption, any rule to be adopted by the department under IC 4-22-2;
- (3) approve or disapprove, before implementation, any resolution, ~~or directive, or other statement~~ of the department, ~~relating including the commissioner, regardless of its name or designation, that relates~~ to departmental organization or policy, ~~including general internal organization, policies, standards, or procedures applicable to one (1) or more facilities, programs, or categories of persons under the jurisdiction of the department, employees, or contractors;~~ and
- (4) keep records of all its official actions and make them accessible according to law.

(b) The board may:

- (1) appoint temporary advisory committees for any purpose;



(2) visit and inspect, without notice, any facility or program of the department, either individually or collectively, to examine the affairs and condition of the department; and

(3) exercise any other power reasonably necessary in discharging its duties and powers.

(c) The board has no direct administrative or executive powers other than those granted by this section.

(d) For purposes of IC 4-22-2, the term "rule" as used in subsection (a)(1) relates solely to internal policy, organization, and procedure not having the force of law.

**(e) This section shall be liberally construed for conduct of the board after June 30, 2001, to implement the intent of the general assembly, as first stated in the commentary to the proposed final draft of the correctional code published by the correctional code commission in October 1977 to place policy authority in a seven (7) member board of correction rather than a single department head.**

SECTION 2. [EFFECTIVE JULY 1, 2001] (a) A bylaw adopted by the board of correction before October 1, 1980 (the date on which the enactment of IC 11-8-2-3 became effective) is void.

(b) IC 11-8-2-3, as amended by this act, applies only to resolutions, directives, and other statements of the department of correction, including the commissioner, adopted or amended after June 30, 2001. However, the board of correction may review and make recommendations for change for any resolution, directive, or other statement of the department of correction, including the commissioner, relating to departmental organization or policy.

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